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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re:

Carroll Products, Inc.

Route 91

Wood River Junction, RI 02894

RCRA Docket No. 84-1057

Proceeding under Section
 3008 of the Resource
 Conservation and Recovery
 Act, 42 U.S.C. § 6928

CONSENT AGREEMENT

AND ORDER

PRELIMINARY STATEMENT

This is an administrative proceeding filed pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928. The action was initiated by the issuance of a complaint on August 31, 1984, citing Respondent for violations of Sections 3005 and 3010 of RCRA, 42 U.S.C. §§ 6925 and 6930, 40 C.F.R. Part 270, and the State of Rhode Island Rules and Regulations for Permitting and Operating Hazardous Waste Treatment and Storage Facilities and Hazardous Waste Generator Rules and Regulations. The Complainant is the United States Environmental Protection Agency ("EPA").

AGREEMENT

1. For purposes of this proceeding, Respondent:

- (a) admits the jurisdictional allegations of the Complaint;

- (b) neither admits nor denies the factual allegations of the Complaint;
- (c) agrees to pay a penalty of twenty thousand eight hundred and fifty dollars (\$20,850) in settlement of this proceeding;
- (d) agrees to waive the right to a hearing on any issue raised in the Complaint and consents to the issuance of this Consent Agreement and Order without adjudication.

2. Respondent agrees to make payment of the penalty within sixty (60) days of receipt of this Consent Agreement and Order by a cashier's check or certified check, payable to "Treasurer, United States of America," that shall be mailed to:

EPA - Region I
P.O. Box 360197M
Pittsburgh, PA 15251

A copy of said check shall be mailed to:

Regional Hearing Clerk - Rm 2203
U.S. Environmental Protection Agency
J.F.K. Federal Building
Boston, MA 02203

3. Respondent avers that it has complied with the requirements of paragraphs one, three, four, and six of the Order section of the Complaint. With respect to paragraph five thereof, Respondent avers that the Diazo Bulking Tank has been decommissioned and transferred off-site. Furthermore, Respondent agrees to maintain full compliance with all applicable federal and state hazardous waste laws and regulations.

4. If Respondent fails to comply with the terms of this Consent Agreement and Order, including the payment of the civil penalty, Respondent shall be subject to an additional civil penalty of up to \$25,000 for each day of noncompliance and the initiation of an action in federal district court pursuant to § 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

5. This Consent Agreement and Order shall be binding upon Carroll Products, Inc., its officers, employees, agents, successors, and assigns, including, but not limited to, subsequent purchasers, and upon all firms, subsidiaries, and corporations acting under, through, or for, or in active concert or participation with, the parties who receive actual notice of this Order.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: January 3, 1985

By: William Walsh-Rogalski
William Walsh-Rogalski
Assistant Regional Counsel
Region I

Date: January 8, 1985

By: Merrill S. Hohman
Merrill S. Hohman, Director
Waste Management Division

CARROLL PRODUCTS, INC.

Date: January 15, 1985

By: Lawrence W. Bierlein
Lawrence W. Bierlein
Counsel for Respondent

The above, by his signature, hereby certifies that he is authorized to sign on behalf of Respondent and enter into this Consent Agreement.

ORDER

The above Consent Agreement is approved and issued in settlement of this proceeding. Respondent is hereby ordered to comply with the terms of the Consent Agreement.

Date: 1/22/85

By: Michael R. Deland
Michael R. Deland
Regional Administrator